

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RANDY FERRELL; ANA FRYE; and
DANIEL ZEPEDA, individually and on behalf
of all other similarly situated individuals,

Plaintiffs,

v.

CAPITAL ONE, N.A.,

Defendant.

Civil Action No. 1:25-cv-00091-LMB-WEF

**JOINT RESPONSE TO COURT’S MAY 22, 2025 ORDER (DKT. NO. 37) REGARDING
MOTION TO DISMISS HEARING AND PROPER DEFENDANT**

Pursuant to the Court’s May 22, 2025 Order (Dkt. No. 37), Defendant Capital One, N.A. (“Capital One”) and Plaintiffs Randy Ferrell, Ana Frye, and Daniel Zepeda (collectively, “Plaintiffs”) have conferred and hereby stipulate and agree as follows:

1. The hearing on Capital One’s Motion to Dismiss Plaintiffs’ Consolidated Amended Complaint (Dkt. No. 34), previously noticed for a hearing on June 27, 2025 (Dkt. No. 36), shall be re-noticed for a hearing on June 24, 2025, at 9:30 a.m.

2. The Parties agree that Defendant Capital One, N.A. is the only proper defendant in this action and that Plaintiffs’ claims against the remaining Defendants Capital One Financial Corporation and Capital One Bank (USA), N.A. shall be dismissed with prejudice.

Dated: May 29, 2025

Respectfully submitted,

/s/ John A. Yanchunis

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Dated: May 29, 2025

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**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2025, I caused the foregoing to be filed with the Clerk of the Court using the CM/ECF system, which will then send notification of such filing (NEF) to all counsel of record.

By: /s/ Connor J. Kelley
Connor Kelley